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7 JACK IN THE BOX INC.,

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13 Attorneys for Defendants and Counter-Plaintiffs,

14 DEEPAK MEHTA, an individual; KIRAN MEHTA,

an individual; MEHTA ENTERPRISES, INC.,

15 a suspended California corporation;

DEEPAK ENTERPRISES INC., a California corporation

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18  
19 JACK IN THE BOX INC., a Delaware  
20 corporation, formerly known as Foodmaker,  
21 Inc.,

22 Plaintiff,

23 vs.

24 DEEPAK MEHTA, an individual; KIRAN  
MEHTA, an individual; MEHTA  
25 ENTERPRISES, INC., a suspended California  
corporation; DEEPAK ENTERPRISES INC.,  
26 a California corporation,

27 Defendants.

28 AND RELATED COUNTERCLAIM.

Case No: 5:13-cv-04444-EJD

**STIPULATION AND ORDER  
REQUESTING CASE MANAGEMENT  
CONFERENCE**

Judge: Hon. Edward J. Davila

Date Action Filed: September 25, 2013  
Trial Date: None Set

**STIPULATION AND ORDER REQUESTING CASE MANAGEMENT CONFERENCE**

Defendants and Counter-Plaintiff s Deepak Mehta, Kiran Mehta, Mehta Enterprises, Inc., and Deepak Enterprises, Inc. (collectively “Defendants” or the “Mehtas”), and Plaintiff and Counter-Defendant Jack in the Box Inc. (“JIB”) (collectively, the “Parties”), stipulate as follows:

1. On April 23, 2015 JIB filed a Motion For Summary Judgment And/Or Partial Summary Judgment (the “Summary Judgment Motion”), which was heard by this Court on May 28, 2015. (Docket Nos. 205, 248).

2. This Court has not yet issued a ruling on the Summary Judgment Motion, which – if granted – would resolve all or part of the Parties’ claims in this case. If not granted, the Parties would need to prepare for trial. The uncertainty surrounding this Court’s ruling on the Summary Judgment Motion places the underlying restaurants in an indeterminate status and adversely impacts both Parties because the Parties do not have an adjudication of their rights, if any, under the Franchise and Lease Agreements. Moreover, the nature, scope and direction of any settlement discussions between the Parties will be impacted significantly by this Court’s ruling. As a result, the Parties placed their settlement discussions (as well as their completion of discovery) on hold pending a ruling on the Summary Judgment Motion.

3. To allow the Parties to make the necessary preparations going forward with respect to the underlying restaurants, settlement, and other issues, the Parties request that this Court provide some guidance as to when it will rule on the Summary Judgment Motion. Pursuant to Local Rules 7-11 and 7-12, the Parties request that this Court schedule a Case Management Conference so that the Parties can discuss the status of this case. Because counsel for both parties practice outside of the Northern District of California, the Parties request that they be permitted to appear at the Case Management Conference by telephone.

1 **STIPULATED AND AGREED TO:**

2 Dated: March 9, 2016

MOHAJERIAN A PROFESSIONAL LAW  
CORPORATION

3 By: /s/ Al Mohajerian

4 Al Mohajerian

Attorneys for Defendants/Counter-Plaintiff  
5 Deepak Mehta, Kiran Mehta, Mehta Enterprises, Inc., and  
6 Deepak Enterprises, Inc.

7 Dated: March 9, 2016

LECLAIRRYAN LLP

8 By: /s/ Robert S. McWhorter

9 Robert S. McWhorter

Attorneys for Plaintiff/Counter-Defendant  
10 JACK IN THE BOX INC., a Delaware corporation,  
11 formerly known as Foodmaker, Inc.

12  
13  
14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT this Court shall  
16 conduct a Case Management Conference on June 23, 2016, at 10:00 a.m. . ~~The Parties shall be~~  
17 ~~permitted to appear at the Case Management Conference by telephone.~~

18 Dated: May 17, 2016

19   
U.S. District Court Judge